



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/466,124	12/21/1999	MITCH A. BRISEBOIS	71493-591	9802
7590	05/18/2004		EXAMINER	
SMART & BIGGAR			HOM, SHICK C	
PO BOX 2999 STATION D				
900-55 METCALFE STREET				
OTTAWA, K1P5Y6				
CANADA				
			ART UNIT	PAPER NUMBER
			2666	11
DATE MAILED: 05/18/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Candidate(s)
	09/466,124	BRISEBOIS ET AL.
	Examiner Shick C Hom	Art Unit 2666

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 22 April 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-5,11-15,17,22-24,26-28,30,36-38 and 40-42 is/are rejected.
- 7) Claim(s) 6-10, 16, 18-21, 25, 29, 31-35, 39, 43 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____ .

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-43 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

2. Claims 37-39 and 41-43 are objected to because of the following informalities: in claims 37-39 and 41-43 line 1 delete "A method" and insert ---The method---. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Art Unit: 2666

4. Claims 1-5, 11, 22-24, 26-28, 30, 36-38, and 40-42 are rejected under 35 U.S.C. 102(e) as being anticipated by Fraccaroli (6,549,768).

Regarding claim 1:

Fraccaroli discloses the apparatus for controlling data unit communications between a plurality of mobile stations, each of the mobile stations having a respective maintained communication link with the apparatus (see col. 5 lines 26-37 which recite maintaining the user profile as long as the user is active in the service area clearly reads on the maintained communication link), the apparatus comprising: means for grouping at least two of the plurality of mobile stations as members of a private network group (see col. 2 lines 46-60 which recite providing wireless communication between persons based on similarity of information stored in the network and their physical location clearly reads on means for grouping mobile stations as members of a private network group); means for determining if a first mobile station sending a data unit and a second mobile station scheduled to receive the data unit are both members of the private network group (see col. 6 lines 34-59 which recite determining the position and hence the physical location of the user in order to determine whether the two mobile station are both members of the private network group

clearly anticipate the means for determining as now claimed); and means for enabling communication of the data unit from the first mobile station to the second mobile station through the respective maintained communication links of the first mobile station and the second mobile station only if they are both members of the private network group (see col. 9 line 50 to col. 10 line 15 which recite constantly and automatically scanning for matching opportunities each time a user enter a new location area whereby the user has the option to enable or disable matching so that in no case at the occurrence of a match, will the actual telephone number be exchanged automatically between two people without each of their permission clearly anticipate means for enabling communication only if they are both members of the network group).

Regarding claim 11:

Fraccaroli discloses the apparatus for controlling data unit communications between a plurality of mobile stations, each of the mobile stations having a respective maintained communication link with the apparatus (see col. 5 lines 26-37 which recite maintaining the user profile as long as the user is active in the service area clearly reads on the maintained communication link), the apparatus comprising: means for grouping at least two of the plurality of mobile stations as

members of a private network group (see col. 2 lines 46-60 which recite providing wireless communication between persons based on similarity of information stored in the network and their physical location clearly reads on means for grouping mobile stations as members of a private network group); means for determining if a first mobile station sending a data unit and a second mobile station scheduled to receive the data unit are both members of the private network group (see col. 6 lines 34-59 which recite determining the position and hence the physical location of the user in order to determine whether the two mobile station are both members of the private network group clearly anticipate the means for determining as now claimed); and means for disabling communication of the data unit from the first mobile station to the second mobile station through the respective maintained communication links of the first mobile station and the second mobile station if they are not both members of the private network group (see col. 9 line 50 to col. 10 line 15 which recite constantly and automatically scanning for matching opportunities each time a user enter a new location area whereby the user has the option to disable matching so that in no case at the occurrence of a match, will the actual telephone number be exchanged automatically between two people without each of their permission clearly anticipate means for

Art Unit: 2666

disabling communication only if they are not both members of the network group).

Regarding claim 22:

Fraccaroli discloses the private network comprising a data network, a plurality of apparatus coupled to file data network, and a plurality of sets of at least one telephone station which are arranged to maintain communication links with a respective one of the apparatus (see col. 3 lines 1-30 which recite the telephone system, col. 13 lines 29-33 which recite the Internet and filing the profiles in the database server clearly anticipate the file data network; and col. 5 lines 26-37 which recite maintaining the user profile as long as the user is active in the service area clearly reads on the maintained communication link); wherein each of the apparatus comprises means for grouping at least two of the plurality of telephone stations as members of a private network group (see col. 2 lines 46-60 which recite providing wireless communication between persons based on similarity of information stored in the network and their physical location clearly reads on means for grouping mobile stations as members of a private network group); means for determining if a first telephone station that maintains a communication link of the communication links with a first one of the plurality of apparatus and is sending a data unit, and a

Art Unit: 2666

second telephone station that maintains a communication link of the communication links with a second one of the plurality of apparatus and is scheduled to receive the data unit are both members of the private network group (see col. 6 lines 34-59 which recite determining the position and hence the physical location of the user in order to determine whether the two mobile station are both members of the private network group clearly anticipate the means for determining as now claimed); and means for enabling communication of the data unit front the first telephone station, via the data network, to the second apparatus only if the first and second telephone stations are both members of the private network group (see col. 9 line 50 to col. 10 line 15 which recite constantly and automatically scanning for matching opportunities each time a user enter a new location area whereby the user has the option to enable or disable matching so that in no case at the occurrence of a match, will the actual telephone number be exchanged automatically between two people without each of their permission clearly anticipate means for enabling communication only if they are both members of the network group).

Regarding claim 28:

Fraccaroli discloses the wireless network comprising an apparatus, a radio network controller coupled to the apparatus,

Art Unit: 2666

at least one base transceiver station coupled to the radio network controller, and a plurality of mobile stations (see the base station, controller, and mobile station shown in Fig. 1 and recited in col. 3 line 46 to col. 4 line 11) each having a respective maintained a communication link with one of the at least one base transceiver station (see col. 5 lines 26-37 which recite maintaining the user profile as long as the user is active in the service area clearly reads on the maintained communication link); wherein the apparatus comprises means for grouping at least two of the plurality of mobile stations as members of a private network group (see col. 2 lines 46-60 which recite providing wireless communication between persons based on similarity of information stored in the network and their physical location clearly reads on means for grouping mobile stations as members of a private network group); means for determining if a first mobile station sending a data unit and a second mobile station scheduled to receive the data unit are both members of the private network group (see col. 6 lines 34-59 which recite determining the position and hence the physical location of the user in order to determine whether the two mobile station are both members of the private network group clearly anticipate the means for determining as now claimed); and means for enabling communication of the data unit from the

first mobile station to the second mobile station through the, respective maintained communication links of the first mobile station and the second mobile station only if they are both members of the private network group (see col. 9 line 50 to col. 10 line 15 which recite constantly and automatically scanning for matching opportunities each time a user enter a new location area whereby the user has the option to enable or disable matching so that in no case at the occurrence of a match, will the actual telephone number be exchanged automatically between two people without each of their permission clearly anticipate means for enabling communication only if they are both members of the network group).

Regarding claim 36:

Fraccaroli discloses within a network comprising a plurality of mobile stations that each have a respective maintained a communication link with a respective base transceiver station (see col. 5 lines 26-37 which recite maintaining the user profile as long as the user is active in the service area clearly reads on the maintained communication link), a method of enabling communication of a data unit from a first mobile station to a second mobile station, the method comprising: grouping at least two of the plurality of mobile stations as members of a private network group (see col. 2 lines

Art Unit: 2666

46-60 which recite providing wireless communication between persons based on similarity of information stored in the network and their physical location clearly reads on means for grouping mobile stations as members of a private network group);

determining if the first mobile station sending the data unit and the second mobile station scheduled to receive the data unit are both members of the private network group (see col. 6 lines

34-59 which recite determining the position and hence the physical location of the user in order to determine whether the two mobile station are both members of the private network group clearly anticipate the means for determining as now claimed);

and enabling communication of the data unit from the first mobile station to the second mobile station through the respective maintained communication links of the first mobile station and the second mobile station only if they are both members of the private network group (see col. 9 line 50 to col.

10 line 15 which recite constantly and automatically scanning for matching opportunities each time a user enter a new location area whereby the user has the option to enable or disable matching so that in no case at the occurrence of a match, will the actual telephone number be exchanged automatically between two people without each of their permission clearly anticipate

means for enabling communication only if they are both members of the network group).

Regarding claim 40:

Fraccaroli discloses the method for controlling data unit communications between a plurality of mobile stations in a network comprising: enabling grouping of at least two of the plurality of mobile stations as members of a private network group (see col. 2 lines 46-60 which recite providing wireless communication between persons based on similarity of information stored in the network and their physical location clearly reads on means for grouping mobile stations as members of a private network group); enabling determination of whether a first mobile station and a second mobile station are members of the private network group (see col. 6 lines 34-59 which recite determining the position and hence the physical location of the user in order to determine whether the two mobile station are both members of the private network group clearly anticipate the means for determining as now claimed); and enabling communication of data units from the first mobile station to the second mobile station through a maintained communication link between the first mobile station and the second mobile station (see col. 9 line 50 to col. 10 line 15 which recite constantly and automatically scanning for matching opportunities each time

Art Unit: 2666

a user enter a new location area whereby the user has the option to enable or disable matching so that in no case at the occurrence of a match, will the actual telephone number be exchanged automatically between two people without each of their permission clearly anticipate means for enabling communication only if they are both members of the network group).

Regarding claims 2 and 37:

Fraccaroli discloses wherein each of the mobile stations has a corresponding Home Location Registration (HLR) (see col. 4 lines 51-63 which recite using Home location Registration); wherein the means for grouping at least two of the plurality of mobile stations as members of a private network group comprises means for listing the HLRs of the at least two mobile stations within a private network group table (see Fig. 2 which shows table of user page including profiles and parameters clearly anticipate the private network group table); and wherein the means for determining if the first and second mobile stations are both members of the private network group comprises means for determining if the HLRs of the first and second mobile stations are both listed within the private network group table (see col. 4 line 64 to col. 5 line 11 which recite forming groups of mobile stations using the HLR).

Regarding claim 3:

Fraccaroli discloses wherein each of the mobile stations further has a corresponding data address and the data unit includes a data address corresponding to a desired destination mobile station as a destination address; wherein the means for grouping at least two of the plurality of mobile stations as members of a private network group further comprises means for listing the data addresses of the at least two mobile stations within the private network group table corresponding; to their HLRs; and wherein the means for determining if the first and second mobile stations are both members of the private network group further comprises means for determining the HLR of the second mobile station by looking-up the destination address of the data unit within the private network group table (see col. 4 lines 51-63 and col. 4 line 64 to col. 5 line 11 which recite forming groups of mobile stations using the HLR; Fig. 2 which shows table of user page including profiles and parameters; and col. 6 lines 34-59 which recite determining the position and hence the physical location of the user in order to determine whether the two mobile station are both members of the private network group).

Regarding claim 4:

Fraccaroli discloses wherein the data addresses are Internet Protocol (IP) addresses (see col. 8 lines 33-56 which recite the use of the Internet).

Regarding claim 5:

Fraccaroli discloses wherein each of the mobile stations has a corresponding node registration; wherein the means for grouping at least two of the plurality of mobile stations as members of a private network group comprises means for listing the node registrations of the at least two mobile stations within a private network group table; and wherein the means for determining if the first and second mobile stations are both members of the private network group comprises means for determining if the node registrations of the first and second mobile stations are both listed within the private network group table (see col. 4 lines 51-63 and col. 4 line 64 to col. 5 line 11 which recite forming groups of mobile stations using node registration; Fig. 2 which shows table of user page including profiles and parameters; and col. 6 lines 34-59 which recite determining the position and hence the physical location of the user in order to determine whether the two mobile station are both members of the private network group).

Regarding claim 23:

Fraccaroli discloses wherein each of the telephone stations within the private network group has a corresponding node registration; wherein the means for grouping at least two of the plurality of telephone stations as members of a private network group comprises means for listing the node registrations of the at least two telephone stations within a private network group table; and wherein the means for determining if the first and second telephone stations are both members of the private network group comprises means for determining if the node registrations of the first and second telephone stations are both listed within the private network group table (see col. 4 lines 51-63 and col. 4 line 64 to col. 5 line 11 which recite forming groups of mobile stations using node registration; Fig. 2 which shows table of user page including profiles and parameters; and col. 6 lines 34-59 which recite determining the position and hence the physical location of the user in order to determine whether the two mobile station are both members of the private network group).

Regarding claim 24:

Fraccaroli discloses wherein first and second ones of the plurality of sets of at least one telephone station comprises first and second sets of mobile stations respectively that are located within respective first and second cell clusters, the

Art Unit: 2666

first and second sets being coupled to the first and second ones of the plurality of apparatus; wherein, within the first apparatus, the node registrations corresponding to the mobile stations of the first set are respective Home Location Registrations (HLRs) (see col. 4 lines 51-63 which recite using Home location Registration) and the node registrations corresponding to the mobile stations of the second set are a data address corresponding to the second apparatus; and wherein, within the second apparatus, the node registrations corresponding to the mobile stations of the second set are respective HLRs and the node registrations corresponding to the mobile stations of the first set are a data address corresponding to the first apparatus (see col. 4 line 64 to col. 5 line 11 which recite forming groups of mobile stations using the HLR).

Regarding claim 26:

Fraccaroli discloses wherein at least one of the plurality of apparatus is an intelligent peripheral coupled within a third generation wireless network (see col. 6 lines 45-59 which recite the third generation wireless handsets).

Regarding claim 27:

Art Unit: 2666

Fraccaroli discloses wherein at least one of the plurality of apparatus is a server coupled to a Local Area Network (LAN) (see the server recited in col. 4 line 64 to col. 5 line 11).

Regarding claim 28:

Fraccaroli discloses the mobile switching center coupled between the apparatus and the radio network controller, the mobile switching center comprising mean; for controlling the switching operations of the wireless network within a predefined cell cluster (see the mobile switching center, the controller, and the cell recited in col. 4 lines 51-63).

Regarding claim 38:

Fraccaroli discloses wherein each of the mobile stations has a corresponding node registration, the grouping at least two of the plurality of motile stations as members of a private network group comprising listing the node registrations of the at least two mobile stations within a private network group table and the determining if the first and second mobile stations are both members of the private network group comprising determining if the node registrations of the first and second mobile stations are both listed within the private network group table (see col. 4 lines 51-63 and col. 4 line 64 to col. 5 line 11 which recite forming groups of mobile stations using the HLR; Fig. 2 which shows table of user page including

Art Unit: 2666

profiles and parameters; and col. 6 lines 34-59 which recite determining the position and hence the physical location of the user in order to determine whether the two mobile station are both members of the private network group).

Regarding claim 41:

Fraccaroli discloses wherein each of the mobile stations has a corresponding Home Location Registration (HLR), the enabling grouping of at least two of the plurality of mobile stations as members of a private network group comprising enabling listing of the HLRs of the at least two mobile stations within a private network group table and the enabling determination of whether a first mobile station and a second mobile station are members of the private network group comprising enabling determination of whether the HLRs of the first and second mobile stations are both listed within the private network group table (see col. 4 lines 51-63 and col. 4 line 64 to col. 5 line 11 which recite forming groups of mobile stations using the HLR; Fig. 2 which shows table of user page including profiles and parameters; and col. 6 lines 34-59 which recite determining the position and hence the physical location of the user in order to determine whether the two mobile station are both members of the private network group).

Regarding claim 42:

Fraccaroli discloses wherein each of the mobile stations has a corresponding node registration, the enabling grouping of at least two of the plurality of mobile stations as members of a private network group comprising enabling listing of the node registrations of the at least two mobile stations within a private network group table and the enabling determination of whether a first mobile station and a second mobile station are members of the private network group comprising enabling determination of whether the node registration of the first and second mobile stations are both listed within the private network group table (see col. 4 lines 51-63 and col. 4 line 64 to col. 5 line 11 which recite forming groups of mobile stations using the HLR; Fig. 2 which shows table of user page including profiles and parameters; and col. 6 lines 34-59 which recite determining the position and hence the physical location of the user in order to determine whether the two mobile station are both members of the private network group).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2666

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 12-15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fraccaroli (6,549,768) in view of Mermelstein et al. (5,995,923).

Regarding claim 12:

Fraccaroli discloses the apparatus for controlling data unit communications between a first set of at least one mobile telephone station and a second set of at least one telephone station, the at least one mobile station each having a

respective maintained communication link with the apparatus (see col. 5 lines 26-37 which recite maintaining the user profile as long as the user is active in the service area clearly reads on the maintained communication link), the apparatus comprising: means for grouping at least two telephone stations of the at least one mobile telephone station and the at least one telephone station as members of a private network group, at least one of the at least two telephone stations being a mobile telephone station (see col. 2 lines 46-60 which recite providing wireless communication between persons based on similarity of information stored in the network and their physical location clearly reads on means for grouping mobile stations as members of a private network group); means for determining if a first telephone station sending a data unit and a second telephone station scheduled to receive the data unit are both members of the private network group (see col. 6 lines 34-59 which recite determining the position and hence the physical location of the user in order to determine whether the two mobile station are both members of the private network group clearly anticipate the means for determining as now claimed); and means for enabling communication of the data unit from the first telephone station to the second telephone station, through the respective maintained communication link of the first telephone station if

the first telephone station is a mobile telephone station and through the respective maintained communication link of the second telephone station if the second telephone station is a mobile telephone station, only if they are both members of the private network group (see col. 9 line 50 to col. 10 line 15 which recite constantly and automatically scanning for matching opportunities each time a user enter a new location area whereby the user has the option to enable or disable matching so that in no case at the occurrence of a match, will the actual telephone number be exchanged automatically between two people without each of their permission clearly anticipate means for enabling communication only if they are both members of the network group).

Regarding claim 13:

Fraccaroli discloses wherein each of the at least one mobile telephone station and the at least one telephone station has a corresponding node registration; wherein the means for grouping at least two telephone station of the at least one mobile telephone station and the at least one telephone station as members of a private network group comprises means for listing the node registrations of the at least two telephone stations within a private network group table (see Fig. 2 which shows table of user page including profiles and parameters

clearly anticipate the private network group table); and wherein the means for determining if the first and second telephone stations are both members of the private network group comprises means for determining if the node registrations of the first and second telephone stations are both listed within the private network group table (see col. 4 line 64 to col. 5 line 11 which recite forming groups of mobile stations using the HLR).

Regarding claim 14:

Fraccaroli discloses wherein the node registration for the mobile telephone station of the first set is a Home Location Registration (HLR) corresponding to the mobile telephone station of the first set (see col. 4 lines 51-63).

Regarding claim 15:

Fraccaroli discloses wherein the node registration for the telephone station of the second set is a data address corresponding to a second apparatus coupled to the telephone station (see col. 1 lines 44-61).

Regarding claim 17:

Fraccaroli discloses wherein the data address corresponding to the second apparatus is an Internet Protocol (IP) address (see use of internet server in col. 8 lines 33-56).

For claims 12-15 and 17, Fraccaroli discloses all the subject matter of the claimed invention with the exception of

the second set of at least one telephone station being a fixed wire telephone station as recited in claim 12-15 and 17.

Mermelstein et al. from the same or similar fields of endeavor teach that it is known to provide the second set of at least one telephone station being a fixed wire telephone station (see the fixed wire telephone and mobile terminal in Fig. 3a and col. 9 lines 44-56). Thus, it would have been obvious to the person having ordinary skill in the art at the time the invention was made to provide the second set of at least one telephone station being a fixed wire telephone station as taught by Mermelstein et al. in the apparatus for controlling data unit communications of Fraccaroli. The second set of at least one telephone station being a fixed wire telephone station can be implemented by replacing the second set of mobile telephone station of Fraccaroli with a fixed wire telephone station of Mermelstein et al. The motivation for using the second set of at least one telephone station being a fixed wire telephone station as taught by Mermelstein et al. in the apparatus for controlling data unit communications of Fraccaroli being that it provides the added feature of providing communication with fixed wire telephone station.

8. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fraccaroli (6,549,768) in view of Hamalainen et al. (6,249,584).

For claim 31, Fraccaroli discloses the wireless network described in paragraph 4 of this office action. Fraccaroli discloses all the subject matter of the claimed invention with the exception of wherein at least one of the mobile stations comprises a personal computer with a wireless modem.

Hamalainen et al. from the same or similar fields of endeavor teach that it is known to provide at least one of the mobile stations comprising a personal computer with a wireless modem (see col. 6 lines 24-60). Thus, it would have been obvious to the person having ordinary skill in the art at the time the invention was made to provide at least one of the mobile stations comprising a personal computer with a wireless modem as taught by Hamalainen et al. in the wireless network of Fraccaroli. The at least one of the mobile stations comprising a personal computer with a wireless modem can be implemented by connecting the personal computer with a wireless modem of Hamalainen et al. in the mobile station of Fraccaroli. The motivation for providing at least one of the mobile stations comprising a personal computer with a wireless modem as taught by Hamalainen et al. in the wireless network of Fraccaroli.

Art Unit: 2666

being that it provides the added feature of connecting a personal computer into the wireless network of Fraccaroli.

Allowable Subject Matter

9. Claims 6-10, 16, 18-21, 25, 29, 31-35, 39 and 43 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Raith discloses system proximity detection by mobile stations. Baker discloses just-in-time services for small footprint devices.

Nevo et al. disclose multiple wireless communication protocol methods and apparatuses.

11. Any response to this nonfinal action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9306, (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (2600 Receptionist at (703) 305-4750).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shick Hom whose telephone number is (703) 305-4742. The examiner's regular work schedule is Monday to Friday from 8:00 am to 5:30 pm EST and out of office on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao, can be reached at (703) 308-5463.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

SH

May 11, 2004

DANIGTON
FEDERAL BUREAU OF INVESTIGATION